

THE CAPE WEEKLY TRIBUNE

AND THE CAPE COUNTY HERALD

Every Friday by

THE CAPE GIRARDEAU PUBLISHING COMPANY.

JAMES P. WHITESIDE, Editor.

ONE DOLLAR PER YEAR IN ADVANCE

MAKING THE FRISCO COMPLY.

The city suit to declare the Frisco's franchise void has been postponed for months by the Circuit Court of Ste. Genevieve and Cape Girardeau must therefore suffer the continued wrongs of this railroad through the approaching months and even then may be overruled by the court.

A suit to obtain a court's decision relative to the legality of a franchise or to determine a plaintiff's rights even though the contract is binding, is a slow if not an ineffective method of getting results.

Suppose for instance, the court should sustain this city's contention. We should then be confronted with the grave problem of what course to pursue. It is doubtful if the superior courts or the Interstate Commerce Commission would permit the city to eject the railroad or demolish its property in order to prevent it from operating its trains through the city.

A similar case has been decided by the Missouri Supreme Court which offers light to the officials of this city. A farmer brought suit to eject a railroad from operating its trains over his property without his permission or legal authority. The court heard the evidence and agreed with the farmer that he had been imposed upon by the railroad and that his request should under the rule of justice, be granted. But the Supreme Court took the position that it would not suspend the operation of trains and gave the farmer damages equivalent to the full value of his land.

This precedent might be followed in the event Cape Girardeau attempted to stop trains. Of course, the court might hold that this city's case does not parallel that of the farmer, and order the sheriff to carry out a judicial mandate to forcibly suspend traffic but this is hardly probable in view of the precedent established.

Cape Girardeau is not looking for technicalities, but seeks justice. In view of the facts, it seems that this city should bring a suit for damages against the railroad. This would be the surest road to action and a way illuminated by recorded precedents.

The value placed upon the Frisco's franchise is \$1,000,000. The court might find that the city is entitled to that amount of damages. A suit of this character seems at least to lead somewhere. To attempt to conceive new law or to delve into the rubbish heap of musty technicalities takes us down that lane that has no turn.

THE COAL SITUATION.

Attorney General McAllister has made an appeal to the Government Coal Supervisor to make public the earnings of the coal operators with a view of reducing the price of fuel. General McAllister is making an effective fight against the coal monopolies and his efforts are being watched with interest by the various states.

In his investigation conducted in St. Louis, he compelled coal operators to admit that coal could be mined and sold at \$1.25 a ton with a reasonable profit to the operator. The schedule of prices fixed by Mr. Garfield, the coal supervisor, are exorbitant according to the Missouri Attorney General, and he has appealed to the Government to revise that list.

Some of the largest coal operators in the United States are members of the Council of National Defense, and in this capacity they are supposed to be contributing to the Government's prosecution of the war. If the coal operators are really patriotic they would be satisfied with the same profit earned by them in time of peace. This is what General McAllister is demanding and if the operators are unwilling to make this agreement, the Government should take over and operate the mines just as the Missouri Prosecutor has recommended.

Normal profits should not be denied a corporation, even in times like these, but they should not be permitted to take advantage of a national calamity to fleece the people. The mine workers have called off a strike for a wage increase in order that the American people might not suffer for lack of fuel. The operators might well follow the patriotic lead of their employees and place an honest price upon their products.

COMPLETE THE BOND SALE.

Cape Girardeau county will renew its Liberty bond sale campaign today with just \$26,000 short of the goal assigned to this county by the government. Four hundred and thirty-one thousand dollars have been invested in government war bonds, and the sum asked of the people here was \$457,000.

There are few counties in the State that have equalled Cape Girardeau. Surely the people of this locality have performed patriotically, and if the remainder of the country has kept pace with this country the \$3,000,000,000 asked has been over subscribed.

It is sincerely hoped that the bonds allotted to Cape Girardeau county will be disposed of before the campaign closes tonight. We have done so well that it would be sadly disappointing should the small sum yet remaining be unsubscribed.

The members of the committee that have managed the campaign here have distinguished themselves. Had it not been for the efforts they put forth, the record-breaking sale of bonds in this county could not have been accomplished. They accomplished much for the government and brought credit to this county. Therefore, let us help them sell the remaining \$26,000 worth of Liberty bonds.

Just as a matter of curiosity we sometimes wonder whether Colonel Bryan ever feels that he acted hastily in resigning from the Cabinet.

Mr. Hoover may sometimes issue orders that irritate, but we are compelled to admit that he has been lenient with the American boarding house in that he has not attempted to curtail the consumption of prunes.

SENATOR STONE ON LIBERTY BONDS.

Senator Stone, in a patriotic appeal to the people of Missouri, urges liberal support of the Liberty Bond campaign. Senator Stone's message will be given sincere consideration by all, but especially by those who have sympathized with him during the unwarranted assaults that have been made upon him by a hostile and unfair press.

Senator Stone has criticized the administration's war plans in some respects, but he has been honest. Those who are familiar with what he has actually said and done immediately before the declaration of war and since then, will know that when Senator Stone indorses the Liberty Bond issue he does so honestly and sincerely.

Senator Stone's appeal will bring results, because Missourians have faith in him; know that he has been maligned and are eager to do something that he wishes them to do. Senator Stone will not be praised for urging Missourians to buy Liberty bonds, and he did not make this appeal with such a reward in view. He called upon his constituents to support the government, because he was conscious that he was doing right, and that has been his record in the Senate.

The Tribune has found that every newspaper that condemned Senator Stone refused to give him an opportunity to justify his course. Virtually every speech he made was suppressed, and most newspapers refused to permit him to make any statement. These same newspapers exploited every derogatory statement made against him, whether by a political jackal or a mass meeting patriot.

Senator Stone has been prosecuted by newspapers serving as judge, jury and prosecutor. He has been denied the privilege of defending him-

self, simply because he had the evidence. That he indorsed the Liberty Bond issue neither causes surprise nor entitles him to praise. He is doing just what he ought to do. But he should be treated honestly, because he is honest with his opponents, his constituents and his country. He has demonstrated that every day.

THE NEW YORK CAMPAIGN.

The mayoralty election to be held in New York City, Tuesday, November 6, will mark the closing chapter in a campaign that has attracted nation-wide attention. Probably never in the history of the American metropolis has more interest been shown than in the present campaign.

There are four candidates in the field, a Democrat, a Republican, a Socialist and a Fusion.

Probably the most important feature of the contest is the strength being exhibited by Morris Hilquitt, the Socialist nominee. The Democratic newspapers in New York city say Hilquitt is certain to run second, if he does not actually carry the city.

Mayor Mitchell, who was defeated for the Republican nomination by Senator Bennett, is the Fusion candidate, and is indorsed by the County Republican Committee. Judge Hyman is the Democratic nominee, and is indorsed by Tammany and Hearst, which make him a formidable opponent.

Local issues have been forgotten and the campaign is being waged on the question of whether or not the United States should have entered the war. Roosevelt, Hughes, Taft and many other national figures are supporting Mitchell, and declare that a vote cast against Mr. Mitchell is a vote for the German Kaiser. This, of course, is nothing more than camouflage and is intended to line up the various factions for the Mayor.

Senator Bennett, while the regular Republican nominee, is opposed by the party machine, which is favoring Mitchell.

The Literary Digest devotes several pages to a discussion of the contest and calls attention to the probability of success for the Socialist candidate. Like most of the New York daily newspapers, the Literary Digest dwells upon the political after effect should Hilquitt, or even Hyman, be elected.

The Hearst newspapers, which are supporting Hyman, contend that the race is between him and Mr. Hilquitt and several other newspapers hold the same view. Therefore should either be successful, it would be construed as a rebuke to the National administration, says the Literary Digest.

What would be the effect upon Congress, should New York elect a Socialist mayor, asks the Digest, and it then proceeds to thus answer its question. It would lead them to believe that the people disapproved of their past records and in order to swim with the tide, they would attempt to hold up war legislation.

A repudiation of Mayor Mitchell might embarrass President Wilson only because Mayor Mitchell has attempted to make the government responsible for him. It is unfortunate that the political leaders made the war the paramount issue in a municipal election, because the result might have an effect upon members of Congress who fly their kites to see which way the wind blows. The city of New York has quite a number of representatives in Congress and the election of a Socialist Mayor especially when he runs on an anti-war platform, is likely to have a depressing effect upon some of them.

MAYOR HIRSCH SHOULD ACT.

Cape Girardeau will determine next Saturday whether it has a right to sue the Frisco Railroad for violating its franchise when a demurrer to the city's action is argued before the Circuit judge of Ste. Genevieve.

The railroad contends that Cape Girardeau is without a cause of action, and therefore had no right to sue. It would be difficult to imagine what might be considered a competent cause for complaint if Cape Girardeau is without a legal excuse to appeal to the courts.

It is quite probable that the Frisco Railroad expects to attack the franchise existing between the city of Cape Girardeau and the railroad company. Franchises are perplexing documents under any conditions, and those written by I. R. Kelso seem to be as difficult to comprehend as the age of Ann. It was Mr. Kelso who wrote the franchise which binds the Frisco to fulfill certain obligations. He is also the author of the street car franchise, which is the saddest of all sad words of tongue or pen.

Cape Girardeau may find that the Frisco's franchise is another nightmare. Whatever defects this document may contain will be discovered by Mr. Mozley, the brilliant attorney for the Frisco.

But whether the Frisco proves it is without a franchise with this city or not, it is up to the railroad to make an accounting to the officials of this city. If the Frisco is not bound by a franchise, it is guilty of trespassing, and if it acknowledges the existence of a valid contract, it has violated that contract, and therefore forfeited its legal right to operate trains through this city.

There can be no doubt that the Frisco officials are dealing spitefully with Cape Girardeau. They seem to have reached the conclusion that what they have done and propose to do can be legally justified, or technically excused.

Unless the Frisco agrees to adhere to its promises and promptly proceeds to carry them out, Mayor Hirsch ought to take some drastic action to enforce the city's rights. If the Frisco is determined to operate through this city as a defiant outlaw, Mayor Hirsch should arrest every crew that operates a train into the Cape.

The Frisco must pass through this city to reach Memphis, and when Cape Girardeau extends the hand of force, it will find this unruly corporation ready to negotiate for peace. The day has passed for Mayor Hirsch to merely point his finger and frown. He must become belligerent and act. The people are weary of empty promises. They want results.

THE COAL SHORTAGE AND THE FRISCO.

The coal shortage in Cape Girardeau is largely due to the inadequate service furnished by the Frisco Railroad. Shipments billed for this city are delayed weeks because the Frisco's service is either demoralized or its officials are purposely ignoring the needs of this city.

Every fuel dealer in Cape Girardeau has coal on the way to Cape Girardeau but there is no way of ascertaining just when it will reach this city. Cape Girardeau is not only suffering because of delayed freight shipments, but the passenger service between this city and St. Louis is abominable.

The management of the Frisco is to blame for the service it renders, and in view of the relations between Cape Girardeau and the officials of this road, are such that no surprise can be expressed at anything the Frisco might do.

In the days of Winchell or Gray, an appeal from the patrons of the railroad always received a respectable hearing. Mr. Levy may mean well, but he lacks most of the essential qualifications of a successful railroad man. His experience is limited to a few months as a Paducah, Ky., motorman. While we do not say that it is impossible for a good motorman to become a good chief of a mighty railroad, we do contend that such birds are rare.

In Mr. Levy's brief career as the high cockalorum of the Frisco, he has distinguished himself only in one particular—he has brought the suffrage question into the railroad business. Mr. Levy is attempting to drive the hes into extinction as collectors by replacing them with females. Unless Mr. Levy is vetoed, the patrons of the Frisco may soon expect to read the announcement that tea will be served on all Frisco trains between the hours of 3 and 4 p. m., and Mrs. Levy will pour.

Ladies may manage homes and rule husbands, but it is folly to attempt to operate a railroad in a lady-like way.

PROPOSALS WANTED.

Printing Revised Ordinance Book of the City of Cape Girardeau, Mo.

By authority of resolution adopted by the City Council of the City of Cape Girardeau, Missouri, on October 16, 1917, I will receive bids until Monday evening at 7 o'clock, November 5th, 1917, when same will be considered by council in regular session, for printing revised ordinance book of the City of Cape Girardeau, Missouri, in conformity with specifications adopted by council, which are as follows:

"Two hundred complete copies of the Revised Ordinance Book of the City of Cape Girardeau, Missouri; book pages are to be six by nine, when trimmed and bound and the type face for each page four by seven inches. The text of the general ordinance to be in 10 point primer type, leaded with two point leads; the text of the extracts of the Missouri laws, permanent franchise ordinances and historical data and index to be in 8 point type properly leaded. Appropriate type to be used for title pages, chapter headings or special headings and subject headings and index is to be used so that the book when completed will be a first class job in appearance and workmanship. Each page of the book at top to have title of the subject matter contained on such page. Index pages to be in 8 point type, unless Ordinance Revision Committee desires smaller type, with black face type for catchwords. Paper to be S. and S. C. bases 25x38-60 or No. 1 machine finish, either stock to be equally as good as Graham's Monarch S. and S. C. bases 25x38-60, and the paper to be approved by the Ordinance Revision Committee or the City Counsellor of the City of Cape Girardeau, Mo., before work by the successful bidder is started. The book is to be sewed but not stapled. Under no circumstances will stapling be permitted and the words "Revised Ordinance of the City of Cape Girardeau, Mo., 1916, stamped in gold on the shelf back or backbone, the book to be well rounded and to be of first class binding.

The book to consist of not less than six hundred and forty pages, (640) printed, and the bid on same is to be made on that basis. Bids must also be made for each additional page over and above 640 pages. The City Counsellor examined the subject matter of said book and he is of the opinion that about five-eighths of the book will consist of the extracts of Missouri Laws, permanent franchise ordinances, historical data and index. This proportion shall be considered only as an opinion and estimate.

Every bidder must deposit with his bid a certified check for \$100 made payable to Will Hirsch, Mayor, as a guarantee in the event he is awarded the contract that he will enter into a contract for the printing of the above book according to his bid and the specifications. If his bid is rejected the certified check will be returned to the bidder. When the bid is awarded the successful bidder shall enter into a contract for printing of such book and shall furnish a good bond in the sum of \$1000 that said work will be done in accordance with his bid and contract and specifications, said bond to be approved by the Mayor of Cape Girardeau, Mo., and the books to be delivered postpaid to the City Clerk of the City of Cape Girardeau within ninety days from the date of the signing of the contract. The contractor shall not be held within the above time limit if he is not supplied with copy as soon and often as he needs same. All bids shall be subject to rejection and the council is privileged to accept any bid regardless of whether it is the lowest or not. No extra charge is to be made for proof reading, and the bid shall be in full of all work. As the subject matter of this book consists principally of laws already enacted, there will be few or no changes, however, if the City of Cape Girardeau desires any changes in print in any one line different from copy, an additional charge of three cents per line shall be allowed for such change.

Bids shall be sealed and envelopes marked plainly: "Bid for printing revised ordinance book of the City of Cape Girardeau, Mo."

R. W. FRISSELL, City Clerk.

FINAL SETTLEMENT NOTICE

Notice is hereby given to all creditors and others interested in the estate of John Clippard deceased that I the undersigned, intend to make final settlement of the estate of said deceased at the next term of the Probate Court of, Cape Girardeau County, Missouri, to be held in Jackson, Missouri, beginning on 12 day of November 1917.

CHAS. B. JAEGER

Administrator

Witness my hand and seal this 9 day of October 1917.

(Seal) W. C. HAYS

Clerk of the Probate Court

Classified Advertising

TELEPHONE No. 2

One cent a word for one insertion.

Two cents for three days and three cents a word for a week.

By the month ten cents for each word.

Display advertisements in this column will cost double the usual rate.

No advertisement accepted for less than ten cents.

O. E. MABREY

U. S. MAIL

CAPE TO JACKSON

Leave Jackson	5:00 a. m.
Leave Cape	6:00 a. m.
Leave Jackson	1:00 p. m.
Leave Cape	3:30 p. m.
Leave Jackson	6:00 p. m.
Leave Cape any time after 6 p. m.	

SUNDAY ONLY!

Leave Cape	6:30 a. m.
Leave Jackson	1:00 p. m.
Leave Cape any hour after 2:00 p. m.	

Phone Jackson 13 Phone Cape 502

ORDER OF PUBLICATION.

State of Missouri, County of Cape Girardeau, ss:

In the Cape Girardeau Court of Common Pleas, Cape Girardeau County, Missouri, Term, 1917.

Moody Mofield, plaintiff,

vs.

Rosa Mofield, defendant.

The State of Missouri, to above named defendant, Greeting:

Now, on this 10th day of October, 1917, in vacation of Cape Girardeau Court of Common Pleas, Cape Girardeau County, Missouri, comes plaintiff herein by attorney of record herein before the clerk of said Court and on behalf of plaintiff files petition and affidavit in suit herein, among other matters of action alleging:

That said defendant Rosa Mofield is a non-resident of the state of Missouri, and that the ordinary process of law cannot be served upon her within this state, and it appearing to the satisfaction of this Court that the defendant cannot be summoned in this action:

Whereupon it is ordered by the Clerk of the Court in vacation that said defendant be notified by publication that plaintiff has commenced a suit against her in this Court, the immediate object and general nature of which is to obtain a decree of divorce and that the bonds of matrimony heretofore contracted and now existing by and between plaintiff and defendant, be dissolved.

And it is further ordered that said defendant be and appear in this Court on the first day of the next term thereof to be held at the City of Cape Girardeau, Cape Girardeau County, Missouri, on Monday, the 26th day of November, 1917, and then and there answer or plead to said petition, or in default thereof said petition will be taken and adjudged as confessed, and judgment by default will be rendered against said defendant.

It is further ordered that a copy hereof be duly published at least for 4 consecutive weeks in the Weekly Tribune, a weekly newspaper duly printed, published and circulated in said county and duly designated by plaintiff's attorney, and duly approved by said Clerk as most likely to give notice to defendant, the last insertion to be at least fifteen days before said next term of said court, State of Missouri, County of Cape Girardeau, ss:

I, D. A. Nichols, Clerk of the Cape Girardeau Court of Common Pleas, Cape Girardeau County, Missouri, hereby certify that the foregoing writing is a full, true and complete copy of the original Order of Publication in said cause, as fully as the same remains and appears of record in my office.

In witness whereof, I hereto subscribe my name and official signature and hereto affix the seal of said court at my office in the city of Cape Girardeau county, Missouri, this 10th day of October, 1917.

D. A. Nichols,

Clerk.

By Zeba Chiles Edwards,

Deputy Clerk.

FARMS FOR SALE—If you want to buy farm land in Southeast Missouri cheap, here is your opportunity. The land is filled with mineral and a fortune in ore is buried in every tract. Address C. H. O., The Tribune office.

FOR SALE—You have heard about the discovery of iron ore in Wayne county. I have farms to sell in that county. Address "O," care the Tribune.

WANTED—First-class printer; regular position. Apply at The Tribune office.

LOST—Small gold-enameled breast-pin, shaped like a leaf; small diamond setting. Finder please return to The Tribune and receive reward.

FOR RENT—Modern two-story house at 1424 William street. Phone 231.

FOR SALE OR TRADE—A modern two-story house for a smaller house. 1424 William. Phone 231.

TUESDAY, Oct. 30, 1917 will sell 800 acres in tracts of 40, 60, 80 and 100 or more acres at Aullville, Missouri. Every tract has all the elements of a first class home farm. Adjoins station. The best corn, wheat, oats, clover, blue grass and alfalfa land. One year 400 acres produced 32000 bushels of corn. One year 500 acres made 17500 bushels of wheat. Many acres will yield 75 bushels of corn this year, as dry as it was. On 40 acres are several hundred apple trees which will produce a large income. Sixty miles from Kansas City, 8 hours from St. Louis and 12 hours from Chicago. Sell for one-eighth cash, balance 5 1/2 per cent semi-annually. Abstract showing good title and time to examine same given. J. H. Lipscomb, 511 R. A. Long Bldg., Kansas City, Mo.

NOTICE OF FINAL SETTLEMENT. State of Missouri, County of Cape Girardeau.

Final settlement of the estate of Herman Bode, deceased

Notice is hereby given to all creditors, and other interested in the estate of Herman Bode, deceased, that I, Bertha Bode, executrix of said estate, intend to make final settlement thereof, at the next term of the Cape Girardeau Court of Common Pleas, of Cape Girardeau county, to be held at Cape Girardeau, on the 26th day of November, 1917.

BERTHA BODE, Executrix.

ADMINISTRATOR'S NOTICE.

Notice is hereby given that letters administration upon the estate of William Delye deceased, have been granted to the undersigned by the Cape Girardeau Court of Common Pleas of Cape Girardeau County, Missouri, bearing date the 5th day of October, 1917.

All persons having claims against said estate are required to exhibit them to him for allowance, within six months from the date of said letters or they may be precluded from any benefit of such estate; and if said claims be not exhibited within one year from the date of the last publication of this notice, they shall be forever barred.

OSCAR A. KNEHANS,

Administrator.

No. 666

This is a prescription prepared especially for MALARIA or CHILLS & FEVER. Five or six doses will break any case, and if taken then as a tonic the Fever will not return. It acts on the liver better than Calomel and does not gripe or sicken. 25c